

AMENDED IN ASSEMBLY MAY 3, 2010

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2147**

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**Introduced by Assembly Member V. Manuel Perez**  
*(Coauthors: Assembly Members Eng and Solorio)*

February 18, 2010

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An act to amend Section 2333.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, as amended, V. Manuel Perez. Safe Routes to School construction program.

Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals.

This bill would additionally require, in rating a proposal, the consideration of the proposal's benefit to a disadvantaged community, as defined, and the use of a public participation process, including a public meeting, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3 (a) In 1999, the Legislature enacted Assembly Bill 1475  
4 (Chapter 663, Statutes of 1999), which established the  
5 state-administered Safe Routes to School (SR2S) program.  
6 California was the first state in the country to create a state safe  
7 routes to school program, thereby demonstrating its commitment  
8 and investment to safe and healthy children.
- 9 (b) In 2007, the passage of Assembly Bill 57 (Chapter 673,  
10 Statutes of 2007) extended the SR2S program indefinitely. To  
11 date, the SR2S program has awarded \$243.5 million for local  
12 projects.
- 13 (c) Since its creation, the SR2S program has improved safety  
14 for child pedestrians and bicyclists, encouraged children to lead  
15 healthy and active lifestyles, and has facilitated projects that reduce  
16 traffic congestion, fuel consumption, and air pollution.
- 17 (d) The Department of Transportation, in consultation with the  
18 Federal Highway Administration, is responsible for the  
19 administration of the program. Specifically, the department is  
20 required to make grants available to local governmental agencies  
21 based on the results of a statewide competition. The rating of grant  
22 proposals is guided by factors outlined both in statute and within  
23 program guidelines.
- 24 (e) In an effort to improve the SR2S program and the  
25 implementation of the grant awards, the department has, over the  
26 years, made guideline and scoring modifications with  
27 recommendations from an informal advisory committee. More  
28 recently, the department has demonstrated more of a commitment  
29 to low-resource schools by contracting with the State Department  
30 of Public Health and the University of California, San Francisco,  
31 to evaluate the demographics of SR2S-funded communities and  
32 identify barriers in accessing SR2S funds.
- 33 (f) In recent years, in anticipation of the appropriation of billions  
34 of dollars of federal transportation infrastructure funding, national,  
35 state, and local organizations, and federal, state, and local elected

1 officials have coalesced around the question of equitable  
2 development and equitable funding, initiating a critical dialogue,  
3 at the state and federal-level *levels*, about how transportation funds  
4 should be spent and how those expenditures will benefit  
5 disadvantaged communities.

6 (g) Governor Schwarzenegger has taken a strong interest in the  
7 SR2S program as “a critical program in the fight against obesity.”  
8 The Governor is also interested in identifying ways to actively  
9 engage low-income communities to increase their participation in  
10 the SR2S program and their receipt of funding. To accomplish this  
11 goal, the Governor, in a letter to the department dated February  
12 24, 2010, has asked for the department to determine the  
13 socioeconomic status of past and current SR2S participants and  
14 the appropriate level of participation among these applicants, and  
15 to review other Safe Routes to School programs to determine how  
16 they have been effective in securing high participation levels from  
17 low socioeconomic status communities. Based on its findings, the  
18 Governor has directed the department to adapt the SR2S program  
19 to “funding priorities and criteria to increase participation in SR2S  
20 among low socioeconomic status, disadvantaged schools and  
21 communities.”

22 (h) As the department implements the Governor’s directives  
23 and makes improvement to the guidelines and application rubric,  
24 it is incumbent on the state to have these program improvements  
25 codified and make necessary changes to the law to ensure the  
26 commitment to equitable access to the SR2S program remains  
27 constant.

28 SEC. 2. Section 2333.5 of the Streets and Highways Code is  
29 amended to read:

30 2333.5. (a) The department, in consultation with the  
31 Department of the California Highway Patrol, shall establish and  
32 administer a “Safe Routes to School” construction program for  
33 construction of bicycle and pedestrian safety and traffic calming  
34 projects.

35 (b) The department shall award grants to local governmental  
36 agencies under the program based on the results of a statewide  
37 competition that requires submission of proposals for funding and  
38 rates those proposals on all of the following factors:

39 (1) Demonstrated needs of the applicant.

1 (2) Potential of the proposal for reducing child injuries and  
2 fatalities.

3 (3) Potential of the proposal for encouraging increased walking  
4 and bicycling among students.

5 (4) Identification of safety hazards.

6 (5) Identification of current and potential walking and bicycling  
7 routes to school.

8 *(6) Consultation and support for projects by school-based*  
9 *associations, local traffic engineers, local elected officials, law*  
10 *enforcement agencies, school officials, and other relevant*  
11 *community stakeholders.*

12 ~~(6)~~  
13 (7) Use of a public participation process, including, but not  
14 limited to, a public meeting that satisfies the following:

15 (A) Involves the public, schools, parents, teachers, local  
16 agencies, the business community, key professionals, and others.

17 (B) Identifies community priorities and gathers community  
18 input to guide the development of projects.

19 (C) Ensures that community priorities are reflected in the  
20 proposal.

21 (D) Secures support for the project by relevant community  
22 stakeholders.

23 ~~(7)~~  
24 (8) Benefit to a disadvantaged community, defined for purposes  
25 of this section to mean a community with an annual median  
26 household income that is less than 80 percent of the statewide  
27 annual median household income.

28 (c) Any annual budget allocation to fund grants described in  
29 subdivision (b) shall be in addition to any federal funding received  
30 by the state that is designated for “Safe Routes to School” projects  
31 pursuant to Section 1404 of SAFETEA-LU or any similar program  
32 funded through a subsequent transportation act.

33 (d) Any federal funding received by the state that is designated  
34 for “Safe Routes to School” projects shall be distributed by the  
35 department under the competitive grant process, consistent with  
36 all applicable federal requirements.

37 (e) Prior to the award of any construction grant or the  
38 department’s use of those funds for a “Safe Routes to School”  
39 construction project encompassing a freeway, state highway, or  
40 county road, the department shall consult with, and obtain approval

1 from, the Department of the California Highway Patrol, ensuring  
2 that the “Safe Routes to School” proposal—~~compliments~~  
3 *complements* the California Highway Patrol’s Pedestrian Corridor  
4 Safety Program and is consistent with its statewide pedestrian  
5 safety statistical analysis.

6 (f) The department is encouraged to coordinate with law  
7 enforcement agencies’ community policing efforts in establishing  
8 and maintaining the “Safe Routes to School” construction program.

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